

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GRADUAL TAYLOR,	:	CASE NO. C-1-02-446
	:	
Plaintiff,	:	(Judge Weber)
	:	(Magistrate Black)
v.	:	
	:	<u>POLICE OFFICER CHERYL HART'S</u>
CHERYL HART,	:	<u>REPLY MEMORANDUM IN</u>
	:	<u>SUPPORT OF MOTION FOR ORDER</u>
Defendant.	:	<u>OF CONTEMPT</u>

When the plaintiff Gradual Taylor was deposed concerning his alleged damages he testified “that my wife [Sheila Taylor], my girlfriend then, was like the lead—she actually ran the business. She has a head for it; I don’t.”¹ He further testified that “she’d be able to find out [the sales for the business].”² Mr. Taylor asserted that his wife possesses the business records.³ In response to the question “You said your wife is the one who would know what the damages are,” Mr. Taylor responded “Yes.”⁴ When asked whether his wife also kept his music records, Mr. Taylor responded “Pretty much.”⁵ He confirmed that he was not able to testify about his damages, but his wife would provide that information including financial records.⁶

¹ Gradual Taylor Deposition Transcript, p. 53.

² *Id.*, p. 58.

³ *Id.*

⁴ *Id.*, pp. 65-66.

⁵ *Id.*, p. 71.

⁶ *Id.*, pp. 91-92.

A subpoena duces tecum was served on Sheila Taylor to insure her attendance at her deposition scheduled for February 2, 2007. Nevertheless, she did not bring any financial records.⁷ Consequently, the deposition was continued in progress so Sheila Taylor would have another opportunity to provide the records she possessed.⁸ She specifically testified: "I'm going to give you what I can."⁹ The parties agreed to schedule the continued deposition through the office of the City Solicitor.¹⁰

Another subpoena duces tecum was served on Sheila Taylor to insure her attendance at the continued deposition. As explained in the motion for order of contempt, she did not honor the subpoena. The allegations submitted by the plaintiff in his "Motion against order of Contempt for Sheila Taylor," filed March 23, 2007, are untrue.

Police Officer Cheryl Hart requests that the Court grant her motion for order of contempt.

Respectfully submitted

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City Solicitor

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⁷ Sheila Taylor Deposition Transcript, p. 16.

⁸ *Id.*, pp. 57-58.

⁹ *Id.*, p. 61.

¹⁰ *Id.*, pp. 62-63.

/s/ Donald E. Hardin

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Special Counsel for Police Officer
Cheryl Hart

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing Police Officer Cheryl Hart's Reply Memorandum in Support of Motion for Order of Contempt was filed electronically this 28th day of March, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard Ganulin

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Assistant City Solicitor

JLM/RG/(chs)

(Police) GTaylor-Hart's Reply Memo-Contempt 0307-RG